

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : AFFIRMATION

-v.- : 07 Cr. 1190 (LAK)

ROBERTO ROSARIO, :

a/k/a "Roberto Ramirez," :

a/k/a "Daniel Rosario," :

a/k/a "Robert Robles," :

a/k/a "Luis R. Rosario," :

Defendant. :

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AMY LESTER, pursuant to Title 28, United States Code,
Section 1746, hereby declares under penalty of perjury:

1. I am an Assistant United States Attorney in the
office of Michael J. Garcia, United States Attorney for the
Southern District of New York. I make this Affirmation and
Application, pursuant to the All Writs Act, Title 28, United
States Code, Section 1651, for an order to unseal the Bronx
County District Attorney's Office files and the grand jury
testimony relating to the November 5, 2007 arrest of ROBERTO
ROSARIO, a/k/a "Roberto Ramirez," a/k/a "Daniel Rosario," a/k/a
"Robert Robles," a/k/a "Luis R. Rosario," the defendant (Arrest
No. B07685038; NYSID No. 5492827Y), solely for the purpose of the
federal case against the defendant. This request is being made,
inter alia, so that the United States Attorney's Office, pursuant
to its obligations under the Federal Rules of Evidence, the
Federal Rules of Criminal Procedure, Title 18, United States

Code, Section 3500, as well as *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405 U.S. 150 (1972), and their progeny, can produce any appropriate statements or evidence in this prosecution and comply with its obligations.


2. I am the federal prosecutor in charge of the pending prosecution of ROBERTO ROSARIO. ROSARIO is currently charged with one count of possessing a firearm while having been convicted of a crime punishable by more than one year of imprisonment, in violation of Title 18, United States Code, Section 922(g)(1). The Bronx County District Attorney's Office files and the grand jury testimony relating to the November 5, 2007 arrest of ROSARIO are believed to contain information relevant to the pending prosecution.

3. I have been informed by the Bronx County District Attorney's Office that the grand jury testimony and other materials relating to the grand jury proceeding will not be disclosed without an unsealing order.

4. Accordingly, the Government respectfully requests that the Court issue an order directing the unsealing of the files in the possession of the Bronx County District Attorney's Office and the grand jury testimony relating to ROBERTO ROSARIO'S arrest on November 5, 2007.

WHEREFORE, it is respectfully requested that the Court grant this Application for an Order unsealing the Bronx County

District Attorney's Office files and the grand jury testimony relating to ROBERTO ROSARIO'S arrest on November 5, 2007.



Amy Lester
Assistant United States Attorney
Telephone: 212-637-2416

Dated: New York, New York
December 27, 2007

cc: Sabrina P. Shroff, Esq.

A TRUE COPY
J. MICHAEL McMAHON, CLERK

BY 
DEPUTY CLERK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

ROBERTO ROSARIO,
a/k/a "Roberto Ramirez,"
a/k/a "Daniel Rosario,"
a/k/a "Robert Robles,"
a/k/a "Luis R. Rosario,"

Defendant.

AFFIRMATION

07 Cr. 1190

(18 U.S.C. §§ 922(g)(1).)

MICHAEL J. GARCIA
United States Attorney.

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

UNITED STATES OF AMERICA	:	<u>UNSEALING ORDER</u>
-v.-	:	07 Cr. 1190 (LAK)
ROBERTO ROSARIO,	:	
a/k/a "Roberto Ramirez,"	:	
a/k/a "Daniel Rosario,"	:	
a/k/a "Robert Robles,"	:	
a/k/a "Luis R. Rosario,"	:	
Defendant.	:	

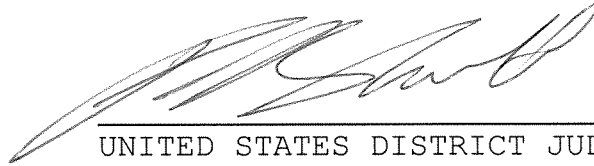
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Upon the annexed Affirmation and Application of the United States Attorney for the Southern District of New York, by Assistant United States Attorney Amy Lester, pursuant to the All Writs Act, Title 28, United States Code, Section 1651, requesting that an Order be issued unsealing the Bronx County District Attorney's Office files and grand jury testimony listed below, to permit review of the files and grand jury testimony, and any other documents contained therein,

IT IS HEREBY ORDERED, that the files maintained by the Bronx County District Attorney's Office and the grand jury testimony and associated court files relating to the November 5, 2007 arrest of ROBERTO ROSARIO, a/k/a "Roberto Ramirez," a/k/a "Daniel Rosario," a/k/a "Robert Robles," a/k/a "Luis R. Rosario," the defendant (Arrest No. B07685038; NYSID No. 5492827Y), be unsealed to permit the United States Attorney's Office for the Southern District of New York to review the contents of these materials and, if necessary, to disclose any documents contained therein as required by the Federal Rules of Criminal Procedure,

Title 18 United States Code, Section 3500, as well as *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405 U.S. 150 (1972), and their progeny.

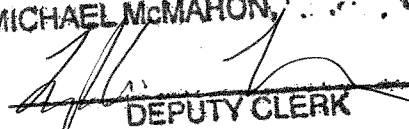
Dated: New York, New York
December 21, 2007



UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF NEW YORK

Part I

cc: Sabrina P. Shroff, Esq.

A TRUE COPY
J. MICHAEL McMAHON, CLERK
BY  DEPUTY CLERK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

ROBERTO ROSARIO,
a/k/a "Roberto Ramirez,"
a/k/a "Daniel Rosario,"
a/k/a "Robert Robles,"
a/k/a "Luis R. Rosario,"

Defendant.

UNSEALING ORDER

07 Cr. 1190

(18 U.S.C. §§ 922(g)(1).)

MICHAEL J. GARCIA
United States Attorney.
